UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/SR.16
23 August 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION
OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 16 August 1999, at 10 a.m.

Chairman: Mr. HATANO

later: Mr. BOSSHYT (Vice-Chairman)

later: Mr. HATANO (Chairman)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.99-14885 (E)

CONTENTS (continued)

THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN:

(a) TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND THE GIRL CHILD

(b) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT (continued)

ORGANIZATION OF WORK (continued)

(c) METHODS OF WORK OF THE SUB-COMMISSION (continued)

CONTEMPORARY FORMS OF SLAVERY

The meeting was called to order at 10 a.m.

THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN:

(a) TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND THE GIRL CHILD

(b) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT (continued) (agenda item 5) (E/CN.4/Sub.2/1999/13 and 14; E/CN.4/Sub.2/1999/NGO/5)

1. Ms. IBRAHIM (International Institute for Peace) said that it was regrettable that some Governments, having no satisfactory reply to issues raised by non-governmental organizations (NGOs), called their independence into question, one even going so far as to describe certain NGOs as "government owned", or "GONGOS". She requested the Sub-Commission to take note of that development which was an attack on human rights defenders.

2. The worth a society placed on women was an important indicator of its social development. Their rights could best be guaranteed by protecting their freedoms of choice, activity, and thought, which were often denied them as a result of traditional stereotypes and, in some cases, economic imperatives. Women themselves sometimes submitted to such impositions, partly under the influence of traditionalist peer pressures, and it was only where they had joined forces that they had succeeded in achieving recognition, economic independence and respect even in male-dominated societies.

3. In Pakistan, the punishment for women who tried to live their lives against the set pattern of traditions was death, and honour killing remained a convenient cover for all kinds of murder. A motion condemning violence against women, recently tabled in the Upper House of Parliament, had been almost unanimously rejected. In such circumstances, the only possibility for women was to combine in asserting their rights. For its part, the international community must use its influence to ensure that countries maintaining or enacting laws that discriminated against women were obliged to change and to give women the life of equality and dignity which was their due.

4. Ms. BHAN (Afro-Asian People's Solidarity Organization) said that economic development levels alone did not inevitably determine the role of women in decision-making and in productive sectors. In South Asia, there were many educated women working as executives, teachers and doctors as well as rural women working in the fields. Nor could the role of women be regarded as a mere function of the economic model followed by particular countries: prostitution abounded in the richest capitalist countries, while in economically-impoverished socialist Cuba women were active in every branch of endeavour, and India had taken the bold step of reserving seats for women in local self-government.

5. While poverty, illiteracy and discrimination against the girl child were prevalent in all the countries of South Asia, there was one country in particular which had compounded such problems by the imposition of a misguided

interpretation of religion which made women subservient to men. Not only did Pakistan itself practice extensive discrimination against women, but women in the Indian State of Jammu and Kashmir were victims of terrorism and fundamentalism propagated by Pakistan to destabilize that state.

6. She appealed to the international community to ostracize societies that discriminated against women through constitutional, institutional and legal means and that encouraged extremist, fundamentalist groups which degraded women. It should also encourage Governments and NGOs to develop educational and awareness-creation programmes to discredit centuries-old customs and traditions that militated against women becoming full partners in the development process.

7. Ms. GANDHI (World Federation of Trade Unions) said that there was a growing acceptance throughout the world of the importance of basic human rights which contrasted starkly with the persisting discrimination against women - an institutionalized phenomenon which, although exacerbated by poverty, was not caused by it. Mr. Eide's study showed that women often began their pregnancies in an undernourished condition, which could affect both the development of their babies and their own future health. In poor families, it was the males who received the first share of scanty resources, and girls and women were the chief victims not only of malnutrition but of every possible deprivation.

8. Bias against the girl child was an essential characteristic of patriarchal societies, irrespective of class and status. Familial violence, a major form of offence against the human rights of women, was found in almost all countries, irrespective of their economic development. Women's traditional roles were often enshrined in secular and religious laws, which impeded their access to non-traditional roles.

9. Women were also the primary victims of the violation of the right to education, denial of which, as pointed out by Mr. Mehedi, deprived individuals of their dignity and the means of achieving recognition. Girls represented a much higher proportion than boys of the children not receiving schooling, and the majority of those so deprived were, not surprisingly, concentrated in sub-Saharan Africa, South-East Asia and Latin America.

10. Discrimination against women was further exacerbated when States introduced legislation excluding women from most forms of education and employment, as was notoriously the case in Taliban-dominated Afghanistan.

11. Women's talents represented a vast and valuable human resource, which the world could not afford to waste. Even poor, illiterate village women possessed a rich legacy of skills and wisdom, which all too often went to waste. A recent example was the outstanding success in film-making achieved by a group of illiterate women from a village in Andhra Pradesh who had received training in the relevant technologies. Women had a great zest for life and required only educational opportunities and the support of a sensitive and vigilant civil society, backed by a fair and open-minded judiciary. Such conditions could, however, prevail only in democratic societies, where there was freedom of speech.

12. Ms. I'LOEM (World Federation of Methodist and Uniting Church Women), speaking also as President of the NGO Committee on the Status of Women, said that women had become active agents in the pursuit of sustainable development, which had been a central theme of the world conferences of the 1990s. It had been recognized that women, who bore the brunt of unregulated globalization and economic restructuring, could be central pillars in the construction of a more equitable system.

13. Any proactive gender policy must include: equal access for girls and women to education and training; more and better jobs for women as well as men; real gender equality in the workplace; elimination of discrimination and gender stereotypes; and, above all, elimination of violence against women. According to the latest Human Development Report, between one quarter and a half of all women had suffered physical abuse by an intimate partner, and they were subjected to rape and sexual slavery during armed conflicts. She commended Ms. MacDougall on her excellent study on the latter subject (E/CN.4/Sub.2/1998/13) and Mr. Weissbrodt on bringing a gender perspective into his study on the rights of non-citizens (E/CN.4/Sub.2/1999/7 and Add.1).

14. The NGO community was still awaiting a positive follow-up to Ms. Warzazi's excellent reports on traditional practices affecting the health of women and the girl child. A recent study by the two working groups on the girl child showed that, while there had been some progress regarding education since the Beijing Conference, there had also been an enormous increase in all forms of violence, often culturally condoned. The NGOs looked to the members of the Sub-Commission to provide guidance in overcoming entrenched views of cultures as essentially and irretrievably static. A culture which excluded the skills and energies of half its members had a permanent roadblock to its development.

15. Mr. OLOKA-ONYANGO said that a critical consideration of the issue of self-determination indicated that the problems of gender discrimination and sexual exploitation were intrinsically linked to the unperceived sexist and androcentric structures of international human rights law, and to the notion of statehood, as primarily expressed in the 1993 Montevideo Convention on the Rights and Duties of States. The traditional framework for the discussion of self-determination excluded a variety of groups that could well lay claim to that right.

16. It had been amply demonstrated that, in most countries, the State was hostile to women and their autonomous existence and operation. Rape, for example, had in many jurisdictions originated as an offence against property and had evolved into an offence against "morality" - once again in the context of male moral claims and opinions. Only subsequently had it come to be considered as an offence against the physical person of the woman. The traditional conceptual framework, which did not consider women to be the subject of international law, had made it possible for the so-called "comfort women" in Japan to be violated almost without arousing outrage or legal response. It was only the horrors of recent years, particularly in Bosnia and Rwanda, which had put rape on the international agenda.

17. The oppression of women within groups had never been considered relevant to the validity of the pursuit and enjoyment of self-determination by such

groups. Similarly, theories of statehood viewed the State as an essentially monolithic entity, ignoring the question whether it was actually representative of the population as a whole. In his view, a revision of traditional concepts of international law would reveal the necessity of: recognizing women as specific subjects of international law; recognizing their right to participate directly in the formulation of international and regional norms; and providing for direct recourse to global and regional mechanisms to protect and enforce their rights.

18. The "ghettoization" of women's rights was also, to some extent, visible in the machinery of the United Nations system, including the Sub-Commission. It was manifested in the reservations by States to the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women - the highest number to any international human rights treaty - and in the attention paid by the system to women's rights, as for example in the agenda of the Sub-Commission, where they were specifically mentioned only in item 5 and, to some extent, in item 6. The Sub-Commission should ensure that those rights were "mainstreamed" into each of its agenda items.

19. Ms. PARKER (International Educational Development, Inc.) said she was concerned at the growing infringement of women's rights in the context of a scientific challenge to the prevailing HIV/AIDS dogma. A number of states in the United States of America were forcing highly toxic drugs on infants and seeking to suppress breastfeeding of babies whose mothers tested HIV positive. She quoted an example of a mother being forced to allow her infant to receive treatment with the highly toxic AZT drug and not to breastfeed him under threat by the State of Oregon of losing custody. A similar case was before the courts in the United Kingdom. She accepted that there were circumstances in which maternal rights might be abrogated in the interests of the child but, where there was genuine controversy about a treatment as in the cases she had described, women must have the right to choose.

20. Turning to the situation of women in armed conflicts, she said that her organization, while commending the Sub-Commission for taking up the issue of war rape, believed that it should also take into account the wider issue of what amounted to a contemporary form of slavery. An example was provided by the war in Kashmir, where the presence of the illegal occupying Indian military forces, numbering between 600 and 700 thousand male personnel, made widespread rape inevitable. Many women also suffered because their daughters or mothers were raped, or by being left as war widows, and all suffered from severe shortages of medical supplies, food and other basic necessities.

21. While the status of Kashmir remained undetermined by the long pending United Nations-mandated plebiscite, the appeal of the people to the international community was rebuffed by India which represented the issue as a purely bilateral one. In the meantime, the people of Kashmir and their unique culture were left to destruction by the Indian forces. She supported the Sub-Commission's initiative to address country situations under the current agenda item, and urged that Kashmir should be included in that initiative.

22. Ms. MILAD (Association de Défense des Tunisiens à l'Etranger) said that Tunisia, a Muslim country, had resolutely opted for the promotion of women's rights and to that end had introduced a number of legislative and

institutional reforms that were consonant with Islamic principles. The Constitution recognized the equal right to stand for election of all voters whose father or mother was a Tunisian national. The Personal Status Code had been amended to promote a genuine partnership between the spouses in managing child and family affairs. The Labour Code prohibited discrimination on grounds of sex. Under the Nationality Code, the mother transmitted her nationality to children born of a foreign father. A Ministry of Women and the Family, a National Council for Women and a National Observatory for Women had been established. As a result of compulsory schooling from the ages of 6 to 16, the enrolment ratio for girls was 99 per cent. Almost half of third-level students were female. The mother and child health system had raised women's life expectancy and women were making rapid headway in the workforce.

23. On the other hand, immigrant women in certain European countries continued to suffer discrimination in employment, wages and in terms of family reunion. She hoped that the Committee on the Elimination of Discrimination against Women would pay special attention to the plight of immigrant women and urged the Sub-Commission to take vigorous steps to implement its resolution 1995/26 on the human rights of women and the girl child.

24. She welcomed the decision by the Sub-Commission to treat rape and similar practices in time of war as analogous to slavery and supported Sub-Commission resolution 1998/18, which recommended the publication by the United Nations of the report by Ms. McDougall on systematic rape, sexual slavery and slavery-like practices during periods of armed conflict (E/CN.4/Sub.2/1998/13) and its wide distribution by the Office of the High Commissioner for Human Rights.

25. Ms. ELAKAIM (Asian Buddhist Conference for Peace) said that, while the overall situation in the Chittagong Hill Tracts of Bangladesh had improved since the signing of the Peace Accord in December 1997, the presence of military personnel and action by Government-backed anti-Accord elements had led to continuing violations of the rights of Jumma women, including rape and abduction. The perpetrators were in some cases police officers. Owing to collusion between the police force, the army and settlers from other parts of Bangladesh, action was seldom taken to bring the culprits to justice. Forced marriages with settlers were another problem faced by Jumma women.

26. Over 20,000 people in Indian Kashmir, including women and young people, had been detained without trial. Women and girls had been molested and sexually harassed by Indian security personnel and State-sponsored counter-militants. According to the Indian Women Fact-Finding Commission, women suffered from extreme anxiety owing to their constant sense of insecurity.

27. Low-caste Dalit women and minor girls were frequently subjected to sexual abuse by middle- and high-caste groups and women were singled out in attacks aimed at suppressing the Dalit reform movement. Other forms of violence against women in India were dowry deaths, bride burning and female infanticide. The police and other State agencies had in some cases actively participated in and abetted caste and communal violence. Many cases of rape, torture and other forms of inhumane punishment of women in police custody had been reported by Indian and international human rights organizations.

28. The Commission's Special Rapporteur on violence against women, its causes and consequences had not yet gained entry to India and Bangladesh to investigate the situation of Jumma, Kashmiri and Dalit women. It was essential that she should examine the plight of women victims in locations other than the most obvious conflict areas.

29. Ms. GUTIERREZ ROMERO (Latin American Human Rights Association) said that indigenous women were often doubly disadvantaged by the racially discriminatory and male chauvinist attitudes of the dominant society and by customs and practices within indigenous communities. Indigenous women in Mexico had enormous difficulty in obtaining access to services which, under the law, were theoretically available to all citizens. Being indigenous, female and poor, they suffered threefold oppression.

30. Military operations, ostensibly to protect local communities, were conducted in the early hours of the morning. Hundreds of soldiers, policemen and armed groups, equipped with tanks and sophisticated matériel, announced their arrival by means of volleys of gunfire. The results of such operations were always the same: stolen animals, destroyed crops, rape, torture, death, summary executions, forced disappearances, arbitrary detention.

31. In the second of two incidents she described, two indigenous women, victims of rape by members of the armed forces, had been ridiculed by the authorities when they reported the incident. It was hardly surprising, therefore, that the indigenous women of Mexico were reduced to tears of rage and impotence. Any hope they had of playing a role, on an equal footing with men, in the development of their communities was being prevented by institutionalized violence.

32. The aspirations of the indigenous women of Mexico were reflected in the San Andrés agreements whose implementation would be a first step in the right direction. She urged the Sub-Commission to support their cause.

33. Ms. AMALIA (Netherlands Organization for International Development Cooperation) said that women's health in South Central Timor, was adversely affected by the requirement, following traditional circumcision (sifon mapulu), for the circumcised male to have intercourse with a woman within seven to eight days. Female genital mutilation was also practised in rural areas of Indonesia. A sharp piece of bamboo, a knife or a razor blade was used to perform the operation and bleeding was treated with the sap of a tree and betel leaves. Lack of information on health matters could have fatal consequences in such cases.

34. Although Indonesia had ratified the Convention on the Elimination of All Forms of Discrimination against Women, traditional practices violated women's reproductive rights, their right to information and their freedom of expression. The Government had a duty to disseminate information through local health, education and cultural authorities. Religious leaders also had an important role to play. The Sub-Commission should urge the Indonesian Government to assume full responsibility for the traditional medical practices that had a detrimental effect on women and to involve women in national policy-making.

35. Although the equality of men and women was recognized by the Constitution, inequality persisted in terms of marriageable age, wages and health insurance. In that respect, the new regime under President Habibie had followed the same path as its predecessor. Moreover, the mother and child health programme was based on the assumption that the mother bore sole responsibility for her children's health.

36. Women were poorly represented in the public sector, especially in strategic positions. They would account for only 10 per cent of members of the new legislature being elected in 1999, although they represented more than 50 per cent of the electorate. Women's organizations were established by the Government and political parties as a means of vote-catching but not to empower women.

37. Ms. DIOP (African Commission of Health and Human Rights Promoters) said that, in Sierra Leone, some 100,000 civilians, including children, had been mutilated in an orgy of wanton violence but the Lomé Peace Accord granted a full pardon to all the parties involved. Even major perpetrators of human rights violations could not be held legally responsible and former insurgents who had committed crimes against humanity could hold positions of authority in the new Government.

38. The South African Government had introduced affirmative action measures that would accord women 30 per cent of seats in the General Assembly but very little had been done in legal terms to address the issue of rape, of which there were currently 1 million cases a year.

39. The abduction and rape of women with a view to forced marriage was a common practice in Ethiopian villages. A 14-year-old girl had been tried for murder because she shot the local gang leader who had raped her. Similar traditions of violence and violations of women's rights were rampant in many other African States.

40. She urged the Sub-Commission: to call for a visit to Sierra Leone by the Commission's Special Rapporteur on violence against women; to investigate the human rights violations there and ensure that major human rights offenders were prosecuted; to promote the development of the skills needed by African women to mainstream gender issues, to lobby national leaders and to take part in the decision-making process; and to support a campaign to make African men aware of the need to end violence against women.

41. Ms. BAILEY-WIEBECKE (Pax Romana) said that human rights advocates must develop strategies to tackle the feminization of poverty. The international human rights system seemed to be unable to address the threat to human rights posed by globalization. Women often bore a disproportionate share of the burden of structural adjustment programmes and the downsizing of the public sector. They were likely to take care of sick, homeless or mentally ill family or community members when the State divested itself of those responsibilities.

42. In many parts of the world, rural women were fighting to protect ways of life that were under threat from the trade and financial liberalization promoted by the World Trade Organization (WTO). Economic liberalization

increased inequality and many women opposed the exploitative and divisive trends fostered by the precepts of competition, comparative advantage and the international division of labour. In a world governed by power relationships, they were sceptical about the claims that the sacrifices inflicted by economic restructuring were inevitable.

43. In Ethiopia, for example, women had been particularly badly hit by the casualization of labour, the decline in social welfare and the rising cost of consumer goods. Growing corporate control over food systems was undermining women's role as food producers. Under the current international trade regime, their role was being reduced to that of suppliers of cheap labour and consumers of foreign goods.

44. Possible remedies included the upgrading of technology in industrial sectors with a large female workforce, training of women to occupy middle and top managerial posts, and development of entrepreneurship among women.

45. Her organization urged the Sub-Commission: to create a new sub-item entitled "Women and globalization"; to appoint a special rapporteur to study the human rights implications of globalization for women, focusing on the impact of the external debt on women in Africa and a possible mechanism to monitor the impact of debt cancellation; to encourage the human rights treaty monitoring bodies to mainstream women in the review process; and to continue studying the feminization of poverty.

46. Ms. TANGGAHMA (Survival International Ltd.) said that the Commission's Special Rapporteur on violence against women, its causes and consequences had stated in her report to the Commission at its fifty-fifth session (E/CN.4/1999/68/Add.3) that the Indonesian security forces had used rape as an instrument of torture and intimidation in West Papua (Irian Jaya), Aceh and East Timor, classified as military operation areas, prior to May 1998. She had also reported allegations of serious abuses after that date and called for an impartial investigation into the use of rape by the military in Irian Jaya, noting that no perpetrators had been brought to trial, that the victims had not been compensated and that abuses continued to occur under the new regime.

47. The Sub-Commission should call on the Indonesian Government to implement the Special Rapporteur's recommendations, which included the possible establishment of a truth and reconciliation process for the victims of State violence before May 1998, a national campaign of zero tolerance of the use of terror against members of civil society, and unrestricted access to all parts of the country for independent human rights monitors.

48. A report by two reputable NGOs published in May 1999 documented in detail cases of rape, sexual slavery and other sexual violence by the Indonesian military against women and girls in West Papua. The military had also forced women to offer their services to visiting soldiers from Papua New Guinea. The Coalition of Women against Violence and the Papuan Working Group (KEW) had described their conduct as a serious violation of the Convention on the Elimination of All Forms of Discrimination against Women, to which Indonesia was a party.

49. She called on the Sub-Commission to consider ways of implementing Commission resolution 1999/40, which urged Governments to address the root factors that encouraged trafficking in women and girls for prostitution, to criminalize such trafficking and to penalize offenders, including intermediaries, whether the offence was committed in their own country or abroad.

50. Mr. HUSSAIN (Observer for Iraq) said that, despite the difficulties posed by the imposition of an economic embargo, his Government, in collaboration with the United Nations Development Programme (UNDP), had implemented a number of important programmes aimed at ending poverty among women. In 1988, laws had been promulgated to eradicate prostitution and violence against women. Women currently occupied a number of high-level government posts and were entitled to stand as candidates in national and municipal elections. Seventeen women were members of the National Council. Women also enjoyed equal employment rights.

51. The Convention on the Elimination of All Forms of Discrimination against Women had been fully implemented, and women's status generally had greatly improved, in spite of the economic sanctions imposed, which had resulted in food and medicine shortages and increased infant and maternal mortality and had driven many mothers to seek employment outside the home in order to make ends meet.

52. It was regrettable that some countries were impeding implementation of women's rights through oppressive political measures. In line with article 45 of the 1995 Beijing Declaration and Platform for Action, the international community must shoulder its responsibilities by ending the embargo against Iraq.

53. Ms. PEREZ DUARTE y NORCÑA (Observer for Mexico) said that, within the general framework of its National Programme on women's rights, her Government had implemented a Plan of Action to create more and better jobs for women. It had also established a national technical cooperation network to provide support for rural women in a number of fields. In January 1999, it had set up a national programme to combat violence in the family, aimed at familiarizing the judiciary with the instruments available to them in the fight against such violence.

54. Thanks to concerted action by the Government and civil society, women were playing an active role in Mexico's socio-economic development, the transmission of cultural values, and the consolidation of democracy. While the process was not yet complete, the political will to secure equality between women and men definitely existed.

55. Mr. FERRER RODRIGUEZ (Observer for Cuba) said that, on the eve of a new millennium, the situation of women continued to be difficult, especially in developing countries affected by the external debt problem, structural adjustment policies and the adverse effects of globalization. Women currently made up 70 per cent of the world's poor, and unemployment among women was between 10 and 40 per cent higher than among men. Though women constituted over 50 per cent of the workforce, their share of earned income was only 33 per cent. The situation of rural women was more serious still,

with 50 per cent living in absolute poverty. Discrimination against women was even more apparent in education: two thirds of the world's adult illiterates were women.

56. The solution to that problem lay in a reallocation of resources to meet the targets set at the Fourth World Conference on Women. Over the past 40 years, Cuba had shown that a different approach was possible. Women made up 42.9 per cent of its civilian labour force, and accounted for 66.6 per cent of intermediate and higher-level technical and professional workers, 31 per cent of managerial posts, 27.6 per cent of members of parliament, 60 per cent of university students and 55.9 per cent of higher education graduates. The maternal mortality rate was only 2.2 per 1,000. All those achievements had been attained in the teeth of unilateral coercive action against Cuba. In the framework of its cooperation with United Nations human rights mechanisms, his Government had invited the Special Rapporteur on violence against women to visit Cuba. That visit had taken place in June 1999, and the Special Rapporteur had had the opportunity to visit women's prisons and to interview female prisoners.

57. Mr. HASSAN (Observer for Pakistan) said that Pakistan had ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1996. Since then the existing setup had been rationalized so as to ensure a more focused approach to promoting women's rights. The Federal Ministry of Women's Development had a vigorous tradition of involving NGOs in its initiatives, and Pakistan's first report to the Committee on the Elimination of Discrimination against Women, currently nearing completion, was a fruit of that collaboration.

58. With a view to ensuring adequate representation for women in policy-making organs, a bill had been drafted to restore the reserved seats for women in the legislature. In addition to the 20 reserved seats in a legislature comprising 237 members, women would henceforth be free to contest open seats in elections to the National Assembly.

59. In response to concerns that women were susceptible to abuse in ordinary police stations, special police stations for women had been established in five major cities. The Code of Criminal Procedure also prohibited police from entering a house occupied by a woman; an accused woman could be arrested or searched only by a woman; women could not be detained in a police station overnight; and women accused of an offence punishable with death or imprisonment for life could be released on bail. A scheme to set up legal aid centres for women had also been initiated, and a number of crisis centres for women in distress had been set up throughout the country.

60. Gender stereotyping was avoided in educational programmes, curricula and textbooks, and places were reserved for women in medical, agricultural, law and engineering colleges and universities. Efforts were being made to increase female literacy rates and overcome the obstacles posed by the scarcity of resources.

61. Women made up 12.8 per cent of the labour force in Pakistan, and the Constitution prohibited discrimination in employment on grounds of sex. The Government was an equal opportunity employer; however, since 1989 it had

maintained a 5 per cent quota for women in public service and the judicial services. There was no gender discrimination in social security arrangements, and women were entitled to three months' paid maternity leave at every confinement and had the possibility of unpaid leave for up to five years.

62. The situation in the private sector was less satisfactory. However, the Government was working to ensure the empowerment of women through employment, and had established a special bank to cater for women and provide prospective female entrepreneurs with easy credit.

63. Ms. HAGNUR (Observer for the Sudan) said that her country's cultural and religious traditions protected the status of women, and that its successive constitutions emphasized equal rights and obligations without discrimination on grounds of sex. Sudanese women had enjoyed full political rights since 1964, and more than 20 women were currently members of the National Assembly. Five women were currently members of the Supreme Court, and women also occupied senior positions in government, the universities, the judiciary and diplomacy. Sudanese women had enjoyed the right to education since 1907, and there were currently more female than male students enrolled in the universities. The law provided for full financial independence and property rights for women. Women also played an active role in business.

64. A comprehensive national strategy provided for measures to combat harmful traditional practices, which were also an offence under article 138 of the 1991 Criminal Law Act. The Public Health Act and medical ethical principles, codes of conduct and regulations prohibited unnecessary surgical operations. Several organizations, among them the Sudan National Committee on Traditional Practices Affecting the Health of Women and Children (SNCTP), were involved in the eradication of harmful practices. In his report to the fifty-fifth session of the Commission, the Special Rapporteur on the situation of human rights in the Sudan had commended the exemplary work undertaken by that NGO, and had called for financial support to ensure the successful continuation of its project.

65. Women had access to public posts, and enjoyed the right to equal payment for equal work. They were entitled to eight weeks' paid maternity leave, and to unpaid leave for up to seven years. Working mothers were allowed one hour off every day for two years in which to breastfeed their children. Lastly, the 1998 Sudanese Training Act ensured equal training opportunities for men and women.

66. Mr. EIDE said that the question of the rights of women had to be seen as a crucial facet of every topic dealt with by the Sub-Commission. In the introduction to his updated study on the right to food (E/CN.4/Sub.2/1999/12), he had pointed out the dramatic consequences of discrimination against women. Those who continued to discriminate against women were doing their societies, and the world as a whole, a tremendous disservice. Taliban was the extreme case: its policies would set back its country's development for decades, or even generations.

ORGANIZATION OF WORK (agenda item 1) (continued)

(c) METHODS OF WORK OF THE SUB-COMMISSION (continued)

67. The CHAIRMAN reminded members that the Commission had repeatedly instructed the Sub-Commission to reduce the number of resolutions and decisions it adopted and, more particularly, those it recommended to the Commission. At its fiftieth session, the Sub-Commission had adopted only 30 resolutions and 15 decisions, and had recommended only one draft resolution and eight draft decisions for adoption by the Commission. He hoped that the Sub-Commission would continue that self-restraint at its current session.

CONTEMPORARY FORMS OF SLAVERY (agenda item 6) (E/CN.4/Sub.2/1999/15-17; E/CN.4/Sub.2/1999/NGO/7 and 15)

68. Mrs. WARZAZI (Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery), introducing the report of the Working Group on its twenty-fourth session (E/CN.4/Sub.2/1999/17), said that the session had been marked by the increased participation of NGOs and government observers. As agreed at its twenty-third session, the Working Group had accorded priority to consideration of the question of traffic in persons and exploitation of the prostitution of others. The subject had been taken up by the Working Group following two days of consultations between NGOs, the specialized agencies and the members of the Working Group. The recommendations of the NGO consultation appeared as annex II to the report.

69. At the request of the Working Group, which feared that the international instruments on slavery did not cover all the contemporary forms, Mr. Weissbrodt and Anti-Slavery International had prepared a detailed study of those instruments. A summary of that study was available in the three working languages (E/CN.4/Sub.2/AC.2/1999/6) and the complete version was available in English only (E/CN.4/Sub.2/AC.2/1999/CRP.1).

70. Various organizations had again referred to slavery in the Sudan, and the observer for that country had been able to provide some information. The situation of domestic and migrant workers was still a cause of some concern and remained one of the Working Group's priorities. Speakers had welcomed the recent adoption by the International Labour Organization (ILO) of a convention on the worst forms of child labour, but one of its provisions had been a source of concern to a number of participants. The ILO representatives had been able to reply to their questions.

71. As for the traffic in human organs and tissues, the Working Group had received some alarming information which had reinforced its determination to keep the matter under review.

72. The issue of Japanese military sexual slavery during the Second World War had once again been raised and, although the Working Group had spared no effort in the past to bring the parties together and pave the way for a just and equitable solution, the time had come to concentrate on the serious problems and large-scale abuse of women in contemporary conflicts. The

Working Group had also been given some alarming information on traffic in children for purposes of sexual and other exploitation. She appealed to NGOs, therefore, to concentrate on current situations on the international human rights agenda.

73. As for the agenda for its twenty-fifth session, the Working Group had decided to give priority consideration to the question of bonded labour and debt bondage and to continue its consideration of the illegal activities of certain religious and other sects, while regretting the paucity of information received on the topic.

74. The Working Group had invited the Chairperson of the Commission on Human Rights to attend one of its meetings.

75. Lastly, she thanked the Governments and individuals which had contributed to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, and appealed to them to continue to do so, since the Fund's activities were extremely important for the Working Group.

76. Mr. GUISSÉ welcomed the fact that the Working Group had expanded its work to cover all continents. Education systems and practices for bringing up children differed from one country to another and, in Africa, where the traditional emphasis was on the group rather than on the individual, children were educated in such a way as to protect them as far as possible from the harmful effects of an imported, colonizing culture which was basically selfish. The Working Group should consider the negative consequences of such influences on the children of traditional cultures, which should not be cast aside in favour of imported systems.

77. Turning to contemporary forms of slavery, he said that one particularly pernicious form was that in which groups of individuals unscrupulously and odiously exploited the labour of workers, mostly from Africa, in terms of the work they were expected to do, the wages they were paid and the treatment they received. Their children were left very much to their own devices, and often fell into criminality. The Working Group should bear such considerations in mind with a view to enabling the cultures and traditions of Africa and Asia to become part of the system of protection of women and children.

78. Women in traditional, especially Muslim, countries had never been subject to trafficking such as the white slave trade. Such trafficking was cracked down upon by the Islamic religious system and by the legal system based on Islamic law.

79. Mr. Bossuyt, Vice-Chairman, took the Chair.

80. Ms. AN HYANG SU (Liberation) said that the Government of Japan had acknowledged the official involvement of its war-time Government and military in establishing, maintaining and supervising the so-called "comfort women", or military sexual slavery, system, and had admitted that many of the women had been recruited by deception and force. However, it had failed to admit its legal responsibility. There were still a number of official documents in the

National Archives of Japan which covered the recruitment of women who were forced into sexual slavery. Those documents included the records and related materials of war crime tribunals held by the allied forces after the end of the war.

81. While the documents were currently in the possession of the Japanese Ministry of Justice, the originals or photocopies were to be found in the archives of the United States of America, Australia and the United Kingdom. The Governments of those countries and the NGOs active in them should undertake research and provide information to the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict. History was repeating itself in the Sudan, Sri Lanka and East Timor, and the protection of women against sexual slavery and sexual violence in current and future armed conflicts depended on what was done to end the impunity for Japanese war crimes.

82. Her organization strongly requested the Sub-Commission to adopt measures to implement the recommendations made by the Special Rapporteur in her final report (E/CN.4/Sub.2/1998/13) and encourage the Government of Japan to open its archives to historians and to the general public.

83. Mr. SAITO (International Association of Democratic Lawyers) said that, for 15 years following its invasion of north-eastern China, Japan had advanced throughout the Asia Pacific region carrying out atrocities which had included murder, rape, pillage and arson, the victims of which had numbered more than 23 million. In 1925, Japan had enacted its Public Order Maintenance Law under which those opposed to the war were arrested, imprisoned, and even tortured.

84. After Japan's unconditional surrender in August 1945, the Public Order Maintenance Law had been abolished. In 1968 - the year in which the General Assembly of the United Nations had adopted the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity - the League of Public Order Maintenance Law Victims had been formed. For the past 26 years, the League had been petitioning the Japanese Diet demanding that the Japanese Government apologize to and compensate the victims. The Japan Bar Association had also emphasized the priority of providing reparations to the victims of the Public Order Maintenance Law.

85. However, no apology had been forthcoming and no compensation had been paid, and the victims were becoming fewer in number with every passing year. His association earnestly requested the Sub-Commission to instruct the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal conflict, to investigate the matter immediately and urge the Government of Japan to apologize to and compensate the victims of the Public Order Maintenance Law.

86. Mr. NAWAZ (Afro-Asian People's Solidarity Organization) said that rapid population growth and social and cultural norms that discriminated between male and female children, especially in South Asia, had created an environment in which children were abused and atrocities committed against them, including their sale for the purpose of begging or prostitution. Despite international commitments and conventions, such child abuse continued and the time had come to impose exemplary punishment for that heinous crime.

87. The number of working children in the world had yet to be counted, for it was beyond the reach of conventional labour statistics, but nearly 250 million children between the ages of 5 and 14 were working full-time or part-time in developing countries, 61 per cent of them in Asia. A new form of child abuse was the employment of children and adolescents as weapons in insurgency and proxy wars. Traumatized children passed on their traumas and, if the evil afflicting contemporary children was ignored, future generations would wonder why childhood had been allowed to become a commercial commodity. It was the demand for the sexual services of children that needed to be tackled, and the only remedy was severe punishment of their abusers.

88. Mr. HATANO resumed the Chair.

89. Mr. LAL AMATYA (World Federation of Trade Unions) said that many children in developing countries were being compelled to become breadwinners for their families and to forego a normal childhood. The most contemptible forms which that exploitation took were child labour, particularly bonded labour, and child prostitution. In addition, the resurgence of religious fundamentalism, notably in Pakistan, had created a new form of bondage - that of the mind - in which schools run by fundamentalists imparted a form of teaching quite divorced from modern educational precepts.

90. The evils of child labour and child prostitution were encouraged by people belonging to what should be more enlightened countries. In a new form of colonization, the tantalizing prospects of easy earnings held out to poorly educated girls and boys had created a pool of child prostitutes in South Asia; their patrons came mostly from the affluent societies. In Pakistan, rape and violence against young girls was common, as Christian and Hindu girls were converted to Islam. A less noticeable form of exploitation, although tantamount to prostitution, was the marriage of young girls to wealthy but far older men against their wishes.

91. Apart from economic factors, one of the main reasons for the proliferation of the phenomena of the sale of children, child prostitution and child pornography was the weakening of family ties, resulting from attempts to jump-start the process of modernization without giving societies time to evolve to the point where their people understood and could cope with the social consequences of development and industrialization. Further efforts should be made to persuade the member States to take effective action to reduce child trafficking and child prostitution and their action needed to be monitored at two-year intervals.

The meeting rose at 1 p.m.